

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Furth et al.

Group Art Unit: Unassigned

Divisional of U.S. Patent  
Application No. 10/037,616

Examiner: Unassigned

Filed: Herewith

For: TARGETING GENE EXPRESSION TO  
LIVING TISSUE USING JET INJECTION

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as

set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

*or*

☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

### Copies of the References

- ☒ Copies of the references AN and BH listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☒ The other references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s)

Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1. 10/037,616	January 2, 2002		X	
2. 09/433,599	November 2, 1999	X		
3. 08/433,265	May 2, 1995	X		

**Statement under 37 CFR 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ No fee is owed by the applicant(s).
- ☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

- ☐ Attached is a check in the amount of \$ .
- ☐ Charge Deposit Account No. 12-1216 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

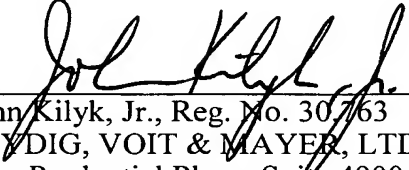
In re Appln. of Furth et al.  
Divisional of U.S. Patent Appln. No. 10/037,616

**Authorization to Charge Additional Fees**


- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- ☒ Credit Account No. 12-1216.  
☐ Refund

  
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Date: January 20, 2004

Please use a plus sign (+) inside this box → 

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	Unassigned
				Filing Date	Herewith
				First Named Inventor	Furth et al.
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	2	Attorney Docket Number	225942

U.S. PATENT DOCUMENTS						
Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	AA	3,805,783		Ismach	Apr. 23, 1974	Sept. 29, 1972
	AB	3,908,651		Fudge	Sept. 30, 1975	May 17, 1974
	AC	4,333,922		Herschler	Jun. 8, 1982	Feb. 11, 1976
	AD	4,458,630		Sharma et al.	Jul. 10, 1984	Jun. 22, 1982
	AE	4,689,402		Sekine et al.	Aug. 25, 1987	Jul. 1, 1985
	AF	5,041,244		Baron	Aug. 20, 1991	May 16, 1990
	AG	5,080,648		D' Antonio	Jan. 14, 1992	Apr. 7, 1989
	AH	5,141,131		Miller, Jr. et al.	Aug. 25, 1992	Dec. 28, 1990
	AI	5,336,228		Cholhan	Aug. 9, 1994	Jan. 14, 1992
	AJ	5,507,724		Hofmann et al.	Apr. 16, 1996	Jan. 21, 1994

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	AK	EP	0 405 696	A1	Dow Chemical Company	Jan. 2, 1991		
	AL	EP	0 414 044	A1	Nippon Zeon Co., Ltd.	Feb. 27, 1991		
	AM	WO	91/000915	A1	Biotechnology Research & Development Corporation	Jan. 24, 1991		

OTHER - NON PATENT LITERATURE DOCUMENTS					Translation	
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.			Yes	No**
	AN	ANDERSON, <i>Nature</i> , Vol. 392 (Supp), pp. 25-29 (1998)				
	AO	AUSUBEL et al., <i>Curr. Periods in Mol. Biol.</i> , Vol. 1, John Wiley & Sons, p. 9.0.6 (1994-1996)				
	AP	BENVENISTY et al., <i>Proc. Natl. Acad. Sci., USA</i> , Vol. 83, pp. 9551-9555 (1986)				
	AQ	BOSHANT et al., <i>Cell</i> , Vol. 41, pp. 521-530 (1985)				
	AR	BRANDSMA et al., <i>Proc. Natl. Acad. Sci., USA</i> , Vol. 88, pp. 4816-4820 (1991)				
	AS	BROWN, <i>Washington Post</i> , pp. A1-A22 (December 8, 1995)				
	AT	BUHLER, <i>Biotechnology</i> , Vol. 8, pp. 140-143 (1990)				
	AU	COGHLAN et al., <i>New Scientist</i> , pp. 14-15 (November 25, 1995)				
	AV	CRAIGIE et al., <i>Cell</i> , Vol. 62, pp. 829-837 (1990)				
	AW	DUBENSKY et al., <i>Proc. Natl. Acad. Sci., USA</i> , Vol. 81, pp. 7529-7533 (1984)				
	AX	FRIEDMAN, <i>Sci. Amer. Jun.</i> , pp. 96-101 (1997)				
	AY	FRIEDMAN, <i>Science</i> , Vol. 244, pp. 1275-1281 (1989)				
	AZ	FURTH et al., <i>Analytical Biochemistry</i> , Vol. 205, pp. 365-368 (1992)				
	BA	GORMAN et al., <i>Mol. Cell. Biol.</i> , Vol. 2 (9), pp. 1044-1051 (1982)				
	BB	KANEDA et al., <i>Science</i> , Vol. 243, pp. 375-378 (1989)				
	BC	KLEIN et al., <i>Bio/Technology</i> , Vol. 10, pp. 286-291 (1992)				
	BD	NICOLAU et al., <i>Proc. Natl. Acad. Sci., USA</i> , Vol. 80, pp. 1068-1072 (1983)				

Examiner Signature		Date Considered	
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- \* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).
- + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet	2	of	2
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Application Number	Unassigned
Filing Date	Herewith
First Named Inventor	Furth et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	225942

[illegible]

Date Considered

- \* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).
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